

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

<b>THERESA VARGO,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 4:09-cv-2304</b>
	)	<b>Judge Sara Lioi</b>
<b>STATE AUTO MUTUAL INSURANCE</b>	)	
<b>COMPANY,</b>	)	
	)	<b>Affidavit of Lorree Dendis</b>
<b>Defendant.</b>	)	

Now comes Lorree L. Dendis, Esq., being duly cautioned and sworn, who attests and swears as follows:

1. I am an attorney, who is licensed to practice in the State of Ohio.
2. The law firm of Williams & Petro Co., LLC was retained by State Auto Mutual Insurance Company as local counsel to defend it in the lawsuit brought by Theresa Vargo. I am the associate attorney assigned to assist Mr. Chastain and Mr. Williams with the defense of State Auto Mutual Insurance Company.
3. On December 18, 2009, our firm propounded Defendant's First Set of Request for Production of Documents to Plaintiff Vargo. Number 25 in Defendant's Request for Production states as follows:

25. Please produce copies of the complete files, including all documents or materials of any kind referred to, relied upon, or referenced by the experts, of the experts who will testify on behalf of Plaintiff at the Trial of this matter.

**ANSWER:**

4. On April 26, 2010, I received Plaintiff's expert's report, and noticed that there were some deficiencies with the report.
5. On April 27, 2010, I wrote an email to Plaintiff's counsel about the deficiencies with Plaintiff's expert's report. A true and accurate copy is attached as Exhibit 1.
6. On May 4, 2010, I issued a correspondence to Plaintiff's counsel about the deficiencies in the expert's report. A true and accurate copy is attached as Exhibit 2.

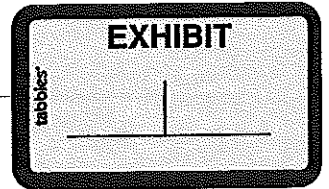
7. On May 5, 2010, I received a correspondence that included information that rectified some of the deficiencies with Plaintiff's expert's report. In said correspondence, it was revealed that Plaintiff's expert relied upon was the expert's agency's service file to render his report and conclusions.
8. On May 10, 2010, I issued a correspondence and an email to Plaintiff's counsel requesting that Plaintiff supplement her discovery responses and provide a complete copy of the expert's file. A true and accurate copy is attached as Exhibit 3.
9. On May 24, 2010, I issued a correspondence, a fax, and an email to Plaintiff's counsel requesting Plaintiff to supplement her discovery responses by producing Plaintiff's expert's file to defense counsel. A true and accurate copy is attached as Exhibit 4.
10. On June 1, 2010, I issued a fax and a correspondence to Plaintiff's counsel requesting Plaintiff's expert's file within a week and warning that a motion to compel would be filed if the file was not received. A true and accurate copy is attached as Exhibit 5.
11. On June 8, 2010, I inquired of co-counsel whether they had heard from Plaintiff's counsel about the expert's file or had received a copy of Plaintiff's expert's file. Both co-counsel replied that they had not heard from Plaintiff's counsel or received a copy of the expert's file from Plaintiff's counsel.
12. To date, I have not heard from Plaintiff's counsel about the expert's file and did not receive a copy of the expert's file from Plaintiff's counsel.
13. Further affiant sayeth naught.

Lorree L. Dendis

Sworn and subscribed in my presence on this 9 day of June 2010.

Notary Public

**Lorree Dendis**



**From:** Lorree Dendis  
**Sent:** Tuesday, April 27, 2010 11:08 AM  
**To:** 'Bill Ramage'  
**Subject:** Vargo v. State Auto

Dear Mr. Ramage:

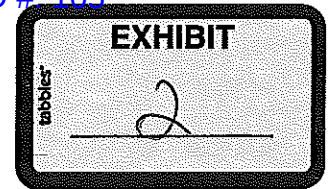
I received the expert's report, but it does not comply with Rule 26(a)(2). There is no indication as to the data or information considered by the witness; no exhibits of the expert; no Cv or resume; no list of publications from the last 10 years; no list of cases the witness testified in; and no statement about compensation. Please send the information that is necessary for the report to comply with Rule 26(a)(2) posthaste. If we do not receive this information, we may be forced to seek judicial intervention.

Also, please advise as to when your expert witness is available between now and Plaintiff's deposition for a deposition. Thank you.

Lorree L. Dendis, Esq.  
Williams & Petro Co., L.L.C.  
338 S. High Street, 2nd Floor  
Columbus, Ohio 43215  
(614) 224-0531  
(614) 224-0553 (facsimile)  
ldendis@wplaw.org

6/9/2010

**WILLIAMS & PETRO CO., L.L.C.**  
ATTORNEYS AND COUNSELLORS AT LAW



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LORREE L. DENDIS  
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OF COUNSEL:  
JOHN J. PETRO

May 4, 2010

William C.H. Ramage, III, Esq.  
4822 Market Street, Suite 220  
Boardman, Ohio 44512

Re: Theresa Vargo v. State Auto Insurance Company  
United States District Court, Northern District of Ohio, Eastern Division  
Case No.: 4:09-CV-02304

Dear Mr. Ramage:

I sent an email to you on April 27, 2010 regarding your expert's report and the expert's availability for deposition. To date, I have not heard from you.

The report that I received does not comply with Rule 26(a)(2). There is no indication as to the data or information considered by the witness; no exhibits of the expert; no CV or resume; no list of publications from the last 10 years; no list of cases the witness testified in; and no statement about compensation. Please send the information that is necessary for the report to comply with Rule 26(a)(2) within a week. If we do not receive this information, we will be forced to seek judicial intervention.

Also, please advise as to when your expert witness is available for a deposition in the coming weeks.

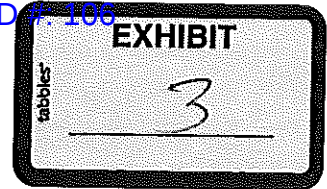
Thank you for your attention to this matter. Should you have any questions or concerns or wish to discuss this matter, please feel free to contact me or Mr. Chastain.

Respectfully,

A handwritten signature in black ink, appearing to be "Lorree L. Dendis".

Lorree L. Dendis

CC: Parks Chastain, Esq.  
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**WILLIAMS & PETRO CO., L.L.C.**

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OF COUNSEL:  
JOHN J. PETRO

May 10, 2010

Via US Mail and Email to b.ramage@zoominternet.net  
William C.H. Ramage, III, Esq.  
4822 Market Street, Suite 220  
Boardman, Ohio 44512

Re: Theresa Vargo v. State Auto Insurance Company  
United States District Court, Northern District of Ohio, Eastern Division  
Case No.: 4:09-CV-02304

Dear Mr. Ramage:

As you may recall on December 18, 2009, Defendant's First Set of Request for Production of Documents to Plaintiff Vargo were sent to you. Number 25 in Defendant's Request for Production states as follows:

25. Please produce copies of the complete files, including all documents or materials of any kind referred to, relied upon, or referenced by the experts, of the experts who will testify on behalf of Plaintiff at the Trial of this matter.

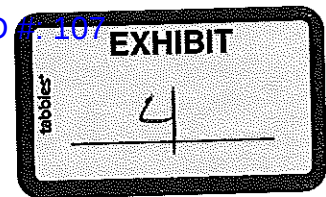
**ANSWER:**

In your April 30, 2010 correspondence, you indicated that Mr. Thompson relied on his service file. Pursuant to Request No. 25, please supplemental Plaintiff's responses with Mr. Thompson's file and all materials and documents that he relied on or referenced.

Thank you for your attention to this matter. Should you have any questions or concerns or wish to discuss this matter, please feel free to contact me or Mr. Chastain.

Respectfully,  
A handwritten signature in black ink, appearing to read "Lorree L. Dendis".  
Lorree L. Dendis

CC: Parks Chastain, Esq.  
Z:\Files\09pw221\Ramage.ltr.5-7-10.doc



**WILLIAMS & PETRO CO., L.L.C.**  
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OF COUNSEL:  
JOHN J. PETRO

[ldendis@wplaw.org](mailto:ldendis@wplaw.org)

May 24, 2010

Via email, fax, and US mail  
William C.H. Ramage, III, Esq.  
4822 Market Street, Suite 220  
Boardman, Ohio 44512

Re: Theresa Vargo v. State Auto Insurance Company  
United States District Court, Northern District of Ohio, Eastern Division  
Case No.: 4:09-CV-02304

Dear Mr. Ramage:

Pursuant to the Court's scheduling order and Fed. R. Civ. P. 26, enclosed please find a copy of Defendant's expert's report and CV.

Also, we are still waiting for Plaintiff's supplemental discovery responses of Plaintiff's expert's file. Please forward it to us within the next week, or we may have to seek judicial intervention to obtain the same.

Thank you for your attention to this matter. Should you have any questions or concerns or wish to discuss this matter, please feel free to contact me or Mr. Chastain.

Respectfully,

**WILLIAMS & PETRO CO., L.L.C.**

A handwritten signature in black ink, appearing to be "Lorree L. Dendis".

Lorree L. Dendis

Enc.  
CC: Parks Chastain, Esq.

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**WILLIAMS & PETRO CO., L.L.C.**

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OF COUNSEL:  
JOHN J. PETRO

[ldendis@wplaw.org](mailto:ldendis@wplaw.org)

June 1, 2010

Via fax, and US mail  
William C.H. Ramage, III, Esq.  
4822 Market Street, Suite 220  
Boardman, Ohio 44512

Re: Theresa Vargo v. State Auto Insurance Company  
United States District Court, Northern District of Ohio, Eastern Division  
Case No.: 4:09-CV-02304

Dear Mr. Ramage:

As you may recall, we requested that Plaintiff supplemental her discovery responses with the complete file of her expert, Mr. Thompson. To date, we have not received the file. If we do not receive a complete copy of the file in the next 5-7 days, a Motion to Compel will be filed.

Thank you for your attention to this matter. Should you have any questions or concerns or wish to discuss this matter, please feel free to contact me or Mr. Chastain.

Respectfully,

**WILLIAMS & PETRO CO., L.L.C.**

A handwritten signature in black ink, appearing to be "Lorree L. Dendis".

Lorree L. Dendis

CC: Parks Chastain, Esq.

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